UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,836	01/22/2004	Michael Gauselmann	ATR-A-128	7698

32566 7590 07/10/2008

PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE, CA 95134

EXAMINER	
CHEUNG, VICTOR	
ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,836	GAUSELMANN, MICHAEL	
	Examiner	Art Unit	
	VICTOR CHEUNG	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-17,19-21 and 23-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-17,19-21 and 23-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Arguments have been received 04/09/2008.

Claims 1-6, 9-17, 19-21, and 23-31 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 9-12, 14-17, 19-21, 23-25, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. (US Patent Application Publication No. 2002/0160828) in view of Visocnik (US Patent Application Publication No. 2004/0048646)

Note that claim 20, below, includes a gaming device comprising a display area for displaying the game, the game displaying an array of symbols, certain combinations of symbols across at least one pay line determining an award to a player, and at least one processor for carrying out the method of claim 1. Similarly, claims 21, 23-24, and 25-30 are related to claims 2, 9-10, and 12-17.

Re Claims 1, 2, 3, 12, 20, 21, 25: Webb et al. disclose a gaming method comprising displaying on a first display screen of a gaming machine, in a first game, a first array of randomly selected symbols (Paragraphs 30, 37), the first array including at least one special symbol in a first position in the first array (Paragraph 41, 45), displaying on a second display screen of the gaming machine, in a

second game, a second array of randomly selected symbols (Paragraph 40). Webb et al. additionally disclose moving the at least one special symbol from the first game to a second game wherein the shifted symbol is combinable with symbols in the second game to form winning combinations of symbols, and granting any award to the player for the second game based upon the symbols displayed in the second game including the at least one special symbol (Paragraph 42).

However, Webb et al. do not specifically disclose how the shifted symbol is combinable with symbols in an array of randomly selected symbols in the second game.

Visocnik discloses a special symbol shifting positions randomly or in a predetermined manner (as in claims 2, 3, and 21) in an array of randomly selected symbols, combinable with symbols in the array to form winning combinations of symbols, for example as a wild symbol (as in claims 12, 25) (Paragraphs 19, 92, 96, 97).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the shifted symbol in combination with the second array of randomly selected symbols, thereby achieving the predictable result of providing possible award combinations to the player.

Claim 20: Webb et al. disclose a display area for displaying a game, the game displaying an array of symbols, certain combinations of symbols across at least one pay line determining an award to a player, and at least one processor for carrying out the method of claim 1 (Fig. 1; Paragraphs 32, 36).

Re Claims 4, 5: Webb et al. disclose displaying in the first game the first array of randomly selected symbols appearing on a plurality of virtual reel strips (Paragraph 30).

Webb et al. do not specifically disclose the at least one special symbol in a fixed position or in a not-fixed position relative to other symbols on the reel strip.

Visocnik discloses the at least one special symbol can be in a fixed position or in a not-fixed position relative to other symbols on the reel strip (Page 2, Paragraph 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the special symbol in a fixed position or in a not-fixed position relative to other symbols on the reel strip, thereby achieving the predictable result of having a fixed, easily computable and displayable fixed position on the reel or the predictable result of having a changing unpredictable position of the special symbol.

Re Claim 6: Webb et al. do not specifically disclose selecting the at least one special symbol to appear in the first array based on a non-random event.

Visocnik discloses selecting the at least one special symbol to appear in the first array based on a non-random event (Paragraph 81).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the at least one special symbol to appear in the first array based on a non-random event, thereby providing a fixed trigger for the special event.

Re Claims 9, 23: Webb et al. disclose a plurality of special symbols (Paragraph 43).

Visocnik also discloses a plurality of special symbols (Paragraph 21).

Re Claims 10, 24: Webb et al. disclose terminating the use of the at least one special symbol after the at least one special symbol is used in a winning combination of symbols (Paragraphs 40, 44).

Re Claim 11: Webb et al. do not specifically disclose terminating the use of the special symbol after a predetermined number of games.

Visocnik discloses terminating the use of the at least one special symbol after a predetermined number of games (Paragraph 97).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to terminate the use of the at least one special symbol after a predetermined number of games, thereby achieving the predictable result of limiting the use of the special symbol.

Re Claims 14, 27: Webb et al. do not specifically disclose the at least one special symbol having a multiplier function.

Visocnik discloses the at least one special symbol having a multiplier function (Paragraph 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to give the at least one special symbol a multiplier function, thereby providing the player with enhanced payouts.

Re Claims 15, 28: Webb et al. disclose the special symbol triggering a bonus game (Paragraphs 36, 44).

Re Claims 16, 29: Webb et al. disclose a 5x3 array (Fig. 1B).

Re Claims 17, 30: Webb et al. disclose granting an award based on combinations of symbols across one or more pay lines in the first game (Paragraph 36). Webb et al. additionally disclose that the second game is a symbol generated game similar to the first game (Paragraph 40).

Therefore Webb et al. disclose granting the award based on combinations of symbols across pay lines in the second game.

Re Claim 19: Webb et al. disclose new special symbols generated in one or more additional games and shifted in position during subsequent games (Paragraphs 42-44).

However, Webb et al. do not specifically disclose the special symbols randomly shifted.

Visocnik discloses a special symbol shifting positions randomly or in a predetermined manner (Paragraph 97).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the special symbols shifted randomly, thereby providing an exciting game that is unpredictable by the player.

Re Claim 31: Webb et al. disclose that the at least one special symbol is selected at random to be included in the first array (Paragraph 41).

4. Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. and Visocnik as applied to claims 1 and 20 above, and further in view of Marnell, II et al. (US Patent No. 5,332,219).

Webb et al., as modified by Visocnik, do not specifically teach the at least one special symbol being a high value symbol.

Marnell, II et al. teach that special symbols in reel type games are worth more than other symbols on the reel (Col. 1, Lines 32-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the at least one special symbol be a high value symbol, providing the player an increased payout for receiving the special symbol.

Response to Arguments

5. Applicant's arguments, filed 04/09/2007, with respect to the rejection of claim 1 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Webb et al. and Visocnik above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Locke (US Publication 2003/0022712) discloses a roaming multiplier symbol. Olive (US Publication 2002/0025849) discloses a shifting special symbol.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR CHEUNG whose telephone number is (571)270-1349. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. C./
Examiner, Art Unit 3714

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3714